

hundred dollars for each such offense, or be subject to imprisonment for not more than six months in the city or county jail or the House of Correction, in the discretion of such justice of the peace or Court.

Rape.

An. Code, sec. 420. 1904, sec. 368. 1888, sec. 232. 1809, ch. 138, sec. 4.

466. Every person convicted of the crime of rape or as being accessory thereto before the fact shall, at the discretion of the court, suffer death or undergo a confinement in the penitentiary for not less than eighteen months nor more than twenty-one years; and penetration shall be evidence of rape, without proof of emission.

Where there are two counts in an indictment, the first charging rape and the second an assault with intent to rape, and the jury finds traverser guilty of the charge in first count without passing upon second count, the verdict is sufficient, the minor offense being merged. *Stevens v. State*, 66 Md. 202. *Cf. State v. Sutton*, 4 Gill, 494. And see *Burk v. State*, 2 H. & J. 426.

An. Code, sec. 421. 1904, sec. 369. 1888, sec. 233. 1809, ch. 138, sec. 4. 1890, ch. 410. 1892, ch. 204.

467. If any person shall carnally know and abuse any woman child under the age of fourteen years, or knowingly carnally know and abuse any woman who is an imbecile, *non compos mentis* or insane, of any age whatever, every such carnal knowledge shall be deemed felony, and the offender being convicted thereof shall at the discretion of the court suffer death or imprisonment for life in the penitentiary, or for a definite period, not less than eighteen months nor more than twenty-one years.

Prosecuting witness in an indictment for assault with intent to commit rape held not to be an imbecile within meaning of this section; indictment did not so charge. *Hill v. State*, 143 Md. 365.

Cited but not construed in *Baum v. Warden of Jail*, 110 Md. 581.

An. Code, sec. 422. 1904, sec. 370. 1898, ch. 218, sec. 233A.

468. If any person shall carnally know any female not his wife, between the ages of fourteen and sixteen years, such carnal knowledge shall be deemed a misdemeanor and the offender being convicted thereof shall be punished by imprisonment in the house of correction for a term not exceeding two years, or be fined in a sum not exceeding five hundred dollars, or be both fined and imprisoned in the discretion of the court; provided, that nothing in this section contained shall be construed to affect or interfere with the law relating to the crime of rape as now in force in this State; and provided further, that this section shall not apply to male persons under the age of eighteen years.

This section referred to, in illustrating that the sub-division under which a statute is codified is immaterial. See notes to sec. 36. *Bowser v. State*, 136 Md. 344.

1924, ch. 359.

469. Wherever any female shall be transported by any means, with the intent to violate any of the foregoing three sections and the said intent shall be followed by actual violation of any of the said sections, the Circuit Court of any County or the Criminal Court of Baltimore City shall